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August 14, 2000

To: Ms Jayne Harkins
 Bureau of Reclamation
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 Boulder City, NV 89006-1470

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Subject: Colorado River Interim Surplus Criteria - Draft
 Environmental Statement

The preferred alternative is the "No Action Alternative."

1: Comment Noted.

1 The reason is simple: State of California interests should be required to adhere to the Colorado River water allocations specified in the Boulder Canyon Project Act of 1928, and to California's legislative act limiting the state to no more than 4.4 million acre-feet of water per year from the mainstream of the Colorado River.

State of California interests have been on notice for years, ever since approval of the Colorado River Basin Project Act in 1968, that the State of Arizona would soon be using all its Colorado River entitlement. That entities within the State of California have failed to adjust their water use accordingly is distinctly their problem, and not that of Arizona, Nevada, or the four other Colorado River Basin states.

2 It would be imprudent for any secretary of the Interior to guess as to the future of Colorado River water flows. Surplus conditions should be decided on a yearly basis based on those flows. Further, there is no assurance that State of California interests, at the end of 2015, will not want to continue using more water than California's legal entitlement.

2: Reclamation agrees that attempting to predict future inflows is an impossible task. However, even with specific guidelines in place, the Secretary will utilize Article III(3)(b) of the LROC and the guidelines in making a water supply determination for use by the Lower Division states each year in the AOP process. The establishment of specific guidelines in no way guarantees any of the Lower Division states surplus water over the next 15 years.

The time to require California to obey the law is today, not in 2016 or sometime after.

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